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Docket No.: 66309-182

REMARKS

This Amendment is in response to the Office Action of May 6, 2005 in which the Examiner rejected the claims over certain references as discussed in the Official Action.

Applicant wishes to call to thank the Examiner for the opportunity to conduct an interview on August 4, 2005.

During the interview, applicant provided a copy of EP Patent No. 0 629 559 to the Examiner. The reference has English language claims and drawings which shows a stopper having a porous device in a hole formed in the stopper body.

In the interview applicant's representative proposed amended claims in which the tube is positively recited.

Applicants acknowledge that the art show stoppers for containers having a vent and a membrane. However, none of the art cited by the Examiner shows a synthetic stopper having a tubular duct, and a tube formed with a membrane therein located in the duct.

In the interview, the Examiner argued that the EP reference shows a tubular portion near the center of the body of the stopper, and that such tubular portion may be interpreted to cover the claimed tube. Applicants argued that the tube is a separate element which may become integrated in the stopper when it is formed. In particular, the tube may be made with different membranes for different wines. Accordingly, stoppers may be made which are tailored to the wine to be preserved, and the tube and membrane portion may be separately made as a

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component for insertion into a mold for the body portion. However, applicants agreed to state that the tube is secured in the duct in order to emphasize that the tube is at least momentarily a separate element which is assembled with the body material to form the stopper.

That the membrane may be formed of an acrylic copolymer anchored to a support, i.e. the tube, which in turn, may be inserted into a mold before Injection of the acrylic polymer forming the stopper is disclosed in paragraph [00046] on page 6 of the specification.

New claim 18 sets forth this feature in particular detail.

New claim 19 sets forth a feature of the particular construction of the tubular duct and the tube located therein, where the outer diameter of the tube is larger than the duct diameter.

The Examiner indicated that the amendments regarding the tube and the new claimed feature regarding the tube and duct sizing would appear to overcome the references of record including the newly presented EP reference, a copy of which is attached to the accompanying Information Disclosure Statement.

New claims 20 and 21 set forth a method for manufacturing the stopper in accordance with the invention. It is believed that these claims are allowable.

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In view of the foregoing it is respectfully requested that the Examiner reconsider his rejection of the claims, the allowance of which is earnestly solicited.

If additional fees are required, the Director is authorized to charge deposit account 04-2233 for any deficiency or credit any overpayment thereto.

Respectfully submitted,
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